

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Lai	Team: Team # 1	CCRB Case #: 201203642	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 03/15/2012 6:15 PM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 9/15/2013	EO SOL 9/15/2013	
Date/Time CV Reported Fri, 03/16/2012 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/21/2012 12:34 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Shawn Wilkinson	04059	920969	NARCBMN
2. Officers			NARCBMN
3. DT3 Todd Habersham	07204	922468	NARCBMN
4. DT3 James White	07439	929351	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Ivan Rodriguez	887	937406	NARCBMN
2. DT3 Keith Knight	02886	920469	NARCBMN
3. DT3 Pedro Marciano	00569	940418	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Shawn Wilkinson	Abuse: Det. Shawn Wilkinson entered and searched [REDACTED].	[REDACTED]
B.DT3 Todd Habersham	Discourtesy: Det. Todd Habersham spoke discourteously to § 87(2)(b) [REDACTED].	[REDACTED]
C.DT3 James White	Force: Det. James White struck § 87(2)(b) [REDACTED] with a police shield.	[REDACTED]
D. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED].	[REDACTED]
E. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) [REDACTED].	[REDACTED]

Case Summary

On March 15, 2012, at approximately 6:15 p.m., § 87(2)(b) and § 87(2)(b) were inside of § 87(2)(b). Officers from Narcotics Borough Manhattan North entered the apartment pursuant to a search warrant from Det. Shawn Wilkinson (encl. L1-4) (**Allegation A**). Det. Todd Habersham allegedly told § 87(2)(b) “Get the fuck down, stupid...the fuck you doing?” (**Allegation B**). Det. James White allegedly struck § 87(2)(b)'s face with a shield (**Allegation C**). Officers who § 87(2)(b) did not see allegedly punched and kicked him repeatedly, causing a laceration above his right ear (**Allegation D**). Officers who § 87(2)(b) did not see allegedly told him to “shut the fuck up” (**Allegation E**). § 87(2)(b) and § 87(2)(b) were arrested as a result of this incident. § 87(2)(b) and § 87(2)(b) did not want to participate in the investigation.

Complications arising from Hurricane Sandy in late October 2012 prevented the CCRB from continuing its investigation until January 7, 2013. Additionally, on January 22, 2013, the case was placed on DA hold, which was not lifted until October 29, 2014.

Mediation, Civil and Criminal Histories

This case was ineligible for mediation due to the fact that § 87(2)(b) was arrested, and he received injuries. In addition, some of the subject officers are unidentified. § 87(2)(b) filed a Notice of Claim on May 9, 2012, pursuant to this incident (encl. E2-5). His attorneys stated that a 50-h hearing would be scheduled at the conclusion of the criminal trial, which occurred on October 28, 2014. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first complaint that involved § 87(2)(b) and § 87(2)(b) (encl. B2-3).
- Det. Wilkinson has three substantiated CCRB allegations against him. In CCRB case 201007956, he received instructions for allegations that he stopped, frisked, and searched a person (encl. A1).
- Det. Habersham has no substantiated CCRB allegations against him (encl. A2).
- Det. White has two substantiated CCRB allegations against him. In CCRB case 200918902, he received instructions for an allegation that he frisked a civilian and threatened to arrest a person (encl. A3).

Finding and Recommendations

Explanation of Subject Officer Identification

- Allegation A is pled against Det. Wilkinson because he was the officer who obtained the search warrant for the location.
- Although Det. Habersham did not recall this incident or his assignment, Det. Wilkinson testified that Det. Habersham was the second officer who entered the apartment. Det. Habersham's pedigree information was also similar to the physical description that § 87(2)(b) provided of the subject officer. Therefore, Allegation B is pled against Det. Habersham.

- Det. White admitted to entering the apartment with a shield and interacting with § 87(2)(b) thus Allegation C is pled against him.
- § 87(2)(b) did not see or hear the officers who punched, kicked, and spoke discourteously towards him, thus Allegations D and E are pled against “officers.”

Recommendations

- **Allegation A – Abuse of Authority: Det. Shawn Wilkinson entered and searched** § 87(2)(b)
§ 87(2)(g)

§ 87(2)(g)

- **Allegation B – Discourtesy: Det. Todd Habersham spoke discourteously to** § 87(2)(b)
§ 87(2)(b)
§ 87(2)(g)

§ 87(2)(g)

- **Allegation C – Force: Det. James White struck** § 87(2)(b) **with a police shield.**
§ 87(2)(b) alleged that when officers instructed him to get on the floor, he complied, placing his knees on the floor and his hands behind his back. Officers who he did not see placed his hands behind his back and proceeded to place him face down on the floor. Before § 87(2)(b) was placed on the ground, Det. White struck the right side of his face with the front of a police shield (encl. E7).

Det. White stated that upon entering, § 87(2)(b) was seated behind a coffee table, which had a steak knife. § 87(2)(b) did not comply with Det. White’s repeated commands to get on the ground and he proceeded to get off his chair and leaned forward, in the direction of where the knife was. Because Det. White was holding a shield and gun, he was unable to grab § 87(2)(b) and thus he pushed the front upper torso of § 87(2)(b)’s body against the wall to prevent him from possibly reaching for the knife. § 87(2)(b) hit the wall with the side of his body. Det. White did not recall if his shield ever hit § 87(2)(b)’s head (encl. J5).

§ 87(2)(g)

- **Allegation D – Officers used physical force against** § 87(2)(b)
- **Allegation E – Officers spoke discourteously towards** § 87(2)(b)
§ 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date